

REMARKS

By the present amendment, Applicant has amended Claims 1, 3, 4, and 7, and cancelled Claims 2 and 11. Claims 1, and 3-10 remain pending in the present application. Claims 1, and 7 are independent claims.

Applicant appreciates the courtesies extended to Applicant's representative during the personal interview held December 15, 2004. The present response summarizes the agreement reached. At the interview a proposed amendment to the claims was presented. Proposed amended independent Claim 1 set forth a one piece outfit including a waders, a jacket and means for minimizing the effect of water. The waders have boots that are permanently attached. The jacket is permanently attached to the waders and includes at least one entry zipper. The means for minimizing the effect of water reduces the effect or penetration of water on said at least one zipper. The means for minimizing includes an accorded material disposed behind the at least one zipper, preventing and trapping any water that penetrating the zipper. Proposed amended independent Claim 7 set forth method of making an outfit having the steps of providing waders having attached boots; providing a jacket having at least one entry zipper; attaching the waders to the jacket; and attaching accorded material behind and at least the length of the at least one zipper; whereby any water penetrating the at least one zipper is trapped by the material; wherein the accorded material prevents any water from entering the outfit.

Arguments were advanced that the applied prior art, as relied upon in the outstanding Office, did not anticipate, nor render obvious the features of the claims, as proposed. In addition, the proposed amendment also overcomes the rejection under the judicially created doctrine of obviousness type double patenting. The Examiner indicated upon the filing of a formal amendment, as discussed during the interview, the application would be in condition for allowance.

The Examiner objected to the disclosure because of noted informalities. Applicant respectfully submits that the amendments to the specification are in concert with the Examiner's suggestions, as noted. As such, Applicant respectfully requests the withdrawal of these objections.

Applicant has amended independent Claims 1 and 7 to incorporate the subject matter of Claims 4, and 11, respectively, and indicated by the Examiner as being allowable subject matter during the aforementioned interview. Applicant respectfully submits that for at least these reasons, amended independent Claims 1, and 7 and their corresponding dependent Claims, are allowable over the prior art applied of record.

The Examiner rejected Claims 1-4, 7, and 9-11 under 35 U.S.C. 102(b), as being anticipated by Shaw. This rejection is respectfully traversed.

The Examiner rejected Claims 5, 6 and 8 under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Duyn, Wallace, or Dehner. The Examiner rejected Claims 1-11 under the judicially created doctrine of obviousness type double patenting as being unpatentable over Applicants' prior Patent No. 6,668,383. These rejections are respectfully traversed.

Applicants have amended independent Claims 1, and 7 to recite the accorded material disposed behind the zipper for preventing the effects of water penetrating the zipper.

As discussed during the interview, the gusset 42 of Shaw, does not anticipate the accorded material disposed behind the at least one zipper. Likewise, as acknowledged by the Examiner, there is no teaching found in any of the applied prior art references that would have rendered the instant claims obvious. In addition, as stated by the Examiner, the rejection under the judicially created doctrine of obviousness type double patenting is now moot because Applicants previous patent does not support the accorded material behind the at least one zipper.

Applicants respectfully submit that for at least these reasons, Claims 1, and 3-10 are allowable over the prior art applied of record.

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The claims in this application have been revised to more particularly define Applicants' unique construction in view of the prior art of record. Reconsideration of the claims in light of the amendments and for the following reasons is respectfully requested.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



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